

REMARKS

This Amendment responds to the Office Action dated August 2, 2006 in which the Examiner objected to the drawings, rejected claim 9 under 35 U.S.C. §112, first paragraph, rejected claims 6-12 under 35 U.S.C. §112, second paragraph, and rejected claims 6-12 under 35 U.S.C. §102(b).

As indicated above, claim 9 has been canceled without prejudice. Therefore, Applicant respectfully requests the Examiner withdraws the objection to the drawings and rejection of claim 9 under 35 U.S.C. §112, first paragraph.

As indicated above, claims 6 and 10 have been amended in order to more particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 6-12 under 35 U.S.C. §112, second paragraph.

As indicated above, claims 6 and 8 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claims 1-12 were rejected under 35 U.S.C. §102(b) as being anticipated by *Holmberg et al.* (U.S. Patent 4,694,995) or *Svensson* (U.S. Patent 4,047,670).

Holmberg et al. appears to disclose in FIG. 1 a chopping disk 10 with an opening 12 for the chip flow. The chopper disk 10 is equipped at one of the edges adjoining the opening 12--the left edge in FIG. 1--with a rebated recess 14 designed to accommodate a chip guide and a knife holder. (Column 1, lines 51-55). In the recess 14 there is inserted a filler piece 18 which is retained therein by means of a bolt 20, which is screwed into the filler piece 18 and tightened by means of a nut 22 on the underside of the chopper disk. Thus this filler piece largely replaces the

former chip guide and knife holder and is shaped to fit pre-existing recesses 14 in the chopper disk 10. The filler piece is provided at the upper part thereof, facing the opening 12, with a recess 24. In this recess there is inserted a mini-cassette consisting of a top part 26 and a bottom part 28, which parts 26, 28 are shaped so as to accommodate between them a knife, preferably a reversible knife 30 of the type disclosed in the aforesaid patent. In its assembled condition, with the top part 26 and the bottom part 28 accommodating the knife 30 between them, the said cassette fits into the recess 24 in the filler piece 18. The cassette is provided for this purpose with a through hole for the insertion from above of a fastener, such as a screw 32 or similar, whose thread engages with the filler piece 18. In this condition the parts 26, 28 of the cassette have a clearance between their horizontal faces so as to exert, by means of the torque on the screw 32, a clamping force on the knife 30 which will reliably hold fast said knife between the parts of the cassette. (Column 1, line 64 to column 2, line 20).

Thus, *Holmberg et al.* merely discloses inserting a fastener from above such as a screw 32 in order to hold a knife 30 with a clamping force between top part 26 and bottom part 28. In other words, the clamping force of *Holmberg et al.* with regard to the screw 32 is directed inward toward the chopper disk 10. However, as claimed in claims 6 and 8, the force on the knife is parallel to the axis of the disk and outward from the disk and directed to the knife as claimed in claims 6 and 8. However, *Holmberg et al.* teaches away from the claimed invention since the clamping force of the screw 32 is inwardly toward the disk.

Additionally, *Holmberg et al.* merely discloses a top part 26 accommodated in a recess 24 in a filler piece 18. Thus nothing in *Holmberg et al.* shows, teaches or

suggests a wear plate substantially covering a knife side of a disk as claimed in claim 8. Rather, *Holmberg et al.* teaches away from the claimed invention since the top part 26 only covers the recess 24 and not the chopper disk 10.

Svensson appears to disclose in FIGS. 1 and 2 parts of a chopper disk 11 having wear plates 13 as well as openings 15 for the passage of chips. Knives 17 are clamped between the knife holder 19 and the chip guide 21. Each knife holder 19 is provided with one or more screw means 23 by means of which said holder can be brought to press the knife 17 against the chip guide 21. The outer surface of the screw means 23 and the knife holder 19 form a generally planar or flat surface. The chip guide 21 includes two extensions 25, 27 resting against the chopper disk 11. One extension 25 extends through the opening 15 and rests against the wall 11' of the chopper disk 11 adjacent the outlet or discharge of said opening 15. The other extension 27 on the chip guide 21 is essentially perpendicular to the first extension 25 and rests against the plane of the chopper disk 11 at the input side along the rear edge of the opening 15, as seen in the rotational direction of the chopper disk 11. (Column 2, lines 46-64).

Thus, *Svensson* merely discloses a screw means 24 which presses the knife 17 against a chip plate 21. In other words, *Svensson* is similar to *Holmberg et al.* and merely directs the force inward toward the chopper disk 11. As claimed in claims 6 and 8, the force is exerted outward from the disk onto the clamp. However, *Svensson* teaches away from the claimed invention since the screw presses the knife 17 against the chip guide 21 (i.e., inward toward the disk).

Additionally, the knife holder 19 only covers the chip guide 21. Thus *Svensson* shows, teaches or suggests a wear plate substantially covering the knife side of the disk as claimed in claim 8.

Since neither *Holmberg et al.* or *Svensson* show, teach or suggest a) exerting a force outward from a disk as claimed in claims 6 and 8 or b) a wear plate substantially covering the knife side of a disk as claimed in claim 8, Applicant respectfully requests the Examiner withdraws the rejection to claims 6 and 8 under 35 U.S.C. §102(b).

Claims 7 and 10-12 recite additional features. Applicant respectfully submits that claims 7 and 10-12 would not have been anticipated by *Holmberg et al.* or *Svensson* within the meaning of 35 U.S.C. §102(b) at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 7 and 10-12 under 35 U.S.C. §102(b).

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicants respectfully request the Examiner enters this Amendment for purposes of appeal.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's

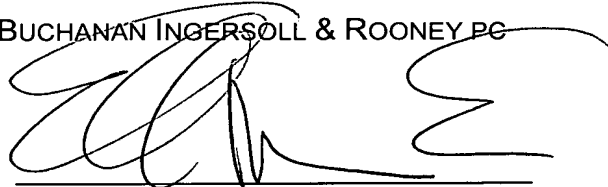
undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

A large, stylized handwritten signature in black ink, appearing to be 'EMAS', written over a horizontal line.

Date: December 1, 2006

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